UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/910,316	PUTTERMAN ET AL.
	Examiner	Art Unit	
	Jason P. Salce	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 May 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>85,86,88-91,93,115 and 116</u> is/are pending in the application.

    4a) Of the above claim(s) <u>117-131</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>85,86,88-91,93,115 and 116</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) <u>117-131</u> are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>6/27/2008</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6/27/2008 was filed

after the mailing date of the Non-Final Rejection on 1/7/2008. The submission is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Election/Restrictions

Newly submitted claims 117-131 directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons:

Claims 117-119 are drawn to a media system that accepts and processes

multiple requests from different users (classified in class 386/92).

Claims 120-131 are drawn to a media system connected to a plurality of media

devices and acquiring and organizing media objects from the plurality of media devices

(classified in class 725/80).

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 117-131 are withdrawn from

consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and

MPEP § 821.03.

Response to Arguments

Applicant argues that the digital content object (the digital video file) stored by the hard drive of the personal video recorder 200 of Elliott fails to teach that the digital content object comprises an executable file. The examiner disagrees and notes that Applicant definition of a digital content object is found in Paragraph 0032 of the specification, which states, "*The objects may be, for example, data files, executables, or other digital objects*". The examiner notes that no other portion of the specification teaches how an executable object is executed differently than a digital video file stored on a hard drive when a request for retrieval of the digital video file is executed.

Elliot clearly teaches that a digital video file is stored on a hard drive (see Column 3, Lines 1-5). The examiner notes that a digital video file stored on a hard drive inherently comprises data that is interpreted and executed by a microprocessor in order to perform various functions using the video data, otherwise, the system of Elliott would have no way of not only accessing the file from the digital video recorder's hard disk, but also displaying the digital video file. Note that Figure 3 clearly teaches that the digital video file must be processed/executed by an MPEG decoder in order to properly display the digital video file, therefore Elliot clearly teaches that a digital content object/digital video file comprises an executable file.

Even further, Elliot discloses that a digital video file can further contain an executable file in the form of copy protection data (see Column 6, Lines 8-21), therefore Elliot further discloses an additional teaching of how a digital content object can comprise an executable file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 85-86, 88 and 115-116 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S.

Patent No. 6,901,603) in further view of Chan et al. (U.S. Patent No. 6,038,614).

Referring to claim 85, Elliot discloses a home media system (**see Figure 2**)

comprising a network (**see Column 5, Lines 51-58**).

Elliot also discloses that the home media system further comprises an acquisition

storage set-top box (**see personal video recorder 200 in Figure 2**), coupled to said

network (**see Column 5, Lines 56-58**), for different types of executable files (**see

stored video streams 222 and 223 in Figure 3**). *The examiner notes that video

stream 223 in Figure 3 is processed (**executed**) and output to display 300 (see **Column

6, Lines 36-67**), therefore the video stream 223 represents a digital content object (**see

Column 4, Lines 48-66**) comprising an executable file (**see again Column 6, Lines 36-

67 for processing a digital video stream 223**).*

Elliot also discloses that the control/playback set-top box (**see set-top box 100

in Figure 2**), coupled to said network (**see Column 5, Lines 51-56 and note that

auxiliary interface 130 is a component of set top box 100 in Figure 2**), comprising a

media playback module (**see video output interface 120 in Figure 2**) and a media

control module (**see microprocessor 140 in Figure 2**), said media control module

comprising an applications module for accessing, across said network, at least one

executable file from said acquisition storage set-top box (**see Column 3, Lines 20-24**

and Column 6, Lines 36-53 for a microprocessor (media control module) that

recognizes the connection to the digital video recorder 200 and in response to

user input 142, generates the command that initiates the playback of a recorded

television program stored on the digital video recorder 200), and for running at

least one media application that provides functionality, through a user interface, to play

media (**see Column 4, Lines 19-47 for providing a media application to play media**

in the form of an electronic program guide), said media playback module comprising

a decoder (**video application**) for decoding media comprised in said video media (**see**

video output interface 120 containing MPEG decoder 122 in Figure 2 and Column

5, Lines 16-39).

Elliot also discloses a client device (**see display device 300 in Figure 2**),

coupled to said control/playback set top box (**see Figure 2 for display device 300**

coupled to set top box 100 in Figure 2), for displaying said user interface for said

media application (**see Column 4, Lines 37-40**) and for playing the video media (**see**

Column 3, Line 64 through Column 4, Line 2).

Elliot also discloses a video application for playing executable files that comprise

digital video files (**see Column 3, Line 64 through Column 4, Line 2**).

Although Elliot discloses that the plurality of different types of executable files includes video files, Elliot fail to discloses that the executable files stored on the acquisition set top box includes audio and image files.

Zeidler discloses a PVR that is capable of storing various types of executable files, including video, audio and pictures/images (**see Column 2, Lines 6-19**).

Zeidler also discloses a photo and audio application for playing digital data content objects that comprise digital photo files (**see Column 2, Lines 6-19**).

Zeidler also discloses an audio client device, coupled to said control/playback set-top box, for playing audio media comprised in audio digital data content objects, wherein said audio client device is configured to only play audio media in audio digital data content objects and not being configured to play video or image media in video or image digital data content objects (**see audio decompressor 65 in Figure 1**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the PVR, as taught by Elliot, by including the PVR functionality for storing various types of executable multimedia files, as taught by Zeidler, for the purpose of providing a PVR enabling the receipt, recording, retrieval and playback of a variety of types of data or data files on a hard drive (**see Column 2, Lines 13-15 of Zeidler**).

Although Elliot teaches a client device coupled to said control/playback set-top box, wherein a client device is a display client device for displaying said user interface for said media application and for displaying video media comprised in said video files (**see above**), in addition to Zeidler also disclosing using the same type of display client

device (**television**) for displaying images and also including an audio client device for outputting audio media (**see above**), Elliot and Zeidler fail to teach a plurality of client devices with a separate display client device (**television**) and audio client device (**speaker/stereo system**).

Chan discloses a plurality of client devices, which includes a display client device (**element 161 in Figure 1**) and an audio client device (**element 162 in Figure 1**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the single television display client device (which would include a single speaker to output audio files), as taught by Elliot and Zeidler, to include the separate display client device and audio client device, for the purpose of providing a higher-quality audio system for outputting audio files (**see Column 3, Lines 37-39 of Chan**).

Referring to claim 86, Elliot discloses that said acquisition set top box further acquires said digital data content object external to said network (see Column 3, Lines 1-61 for receiving a broadcast signal 102 to set top box 100 and providing the broadcast signal to the disk 220 in the digital video recorder 200 for storage, therefore, since the stored video stream is received from a broadcast source (which is external to said home network shown in Figure 2), the digital video recorder (acquisition set top box) 200 clearly receives said digital data content object external to said network).

Referring to claim 88, Elliot discloses that the control/playback set top box comprises a microprocessor, auxiliary interface that comprises an IEEE 1394 circuitry (see rejection of claim 85) and receives user input to allow a user to control the device, as well as outputting an EPG and video output to an external display (see Figure 2), therefore the control/playback set top box clearly represents a personal computing device/system.

Referring to claim 115, Chan further discloses that said audio client device is configured to only play audio files and not being configured to display video or image media in video or image files (**see again Column 3, Lines 32-64**).

Referring to claim 116, Chan further discloses that said audio client device comprises a stereo system (**see again Column 3, Lines 37-39**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in

further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Zhou (U.S.

Patent No. 6,353,700).

Referring to claim 89, Elliot, Zeidler and Chan disclose all of the limitations in

claim 85, but are silent about the control/playback set-top box comprises a frame buffer.

Zhou discloses the use of frame buffers 402, 404 and 406 in Figure 4 for storing

MPEG decoded frames, decoded by an MPEG decoder (**see Column 6, Lines 51**

through Column 7, Line 32).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art, to modify the video output interface 120, as taught by Elliot,

Zeidler and Chan, to utilize the frame buffers, as taught by Zhou, for the purpose of

providing a method and apparatus for playing an MPEG data file backward with a linear

speed and even decoding computation for each of the compressed frames (**see**

Column 2, Lines 51-54 of Zhou).

Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et

al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in

further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Dara-Abrams et

al. (U.S. Patent No. 6,826, 512).

Referring to claim 90, Elliot, Zeidler and Chan disclose all of the limitations of

claim 85, but fail to teach that the home media system further comprises a PDA for

receiving user input to control said control/playback set-top box.

Dara-Abrams discloses a gateway device 14, which can be a PDA (**see Column 3, Lines 53-56**) in a home media system (**see Figure 2**), which controls audio/video content to be transferred between multiple electronic devices 30, which includes a control/playback set-top box (**see set-top box 58 in Figure 2**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the home media system, as taught by Elliot, Zeidler and Chan, to utilize the PDA/gateway device, as taught by Dara-Abrams, for the purpose of providing a diversity of additional different consumer electronic devices commonly found in the average home (**see Column 1, Lines 15-16 of Dara-Abrams**).

Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Mano et al. (U.S. Patent No. 5,793,366).

Referring to claim 91, Elliot, Zeidler and Chan disclose all of the limitations of claim 85, but fail to teach a personal computer for organizing a plurality of executable files stored on said acquisition storage set-top box.

Mano discloses that a personal computer can be used in an IEEE 1394 home network system, similar to Iwamura (**see computer 18 in Figure 1**). The personal computer 18 controls the OSD/GUI (**graphical user interface 10**), which allows a user to playback media from other digital devices (**see Column 4, Lines 35-56**). Further note that Mano discloses that the personal computer organizes a plurality of digital data

content objects stored on said acquisition storage set-top box (**see Figures 1 and 3**

and Column 7, Lines 15-34 for the personal computer generating a GUI, which can

access and organize/edit the data stored on a DVCR 30 or the digital camcorder

40).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art, to modify the control/playback set-top box, as taught by Elliot,

Zeidler and Chan, using the personal computer, as taught by Mano, for the purpose of

providing a control device and interface that allows the user to control a variety of

devices from a common source using a common control interface (**see Column 2,**

Lines 50-52 of Mano).

Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot et

al. (U.S. Patent No. 6,751,402) in view of Zeidler et al. (U.S. Patent No. 6,901,603) in

further view of Chan et al. (U.S. Patent No. 6,038,614) in further view of Iwamura et al.

(U.S. Patent No. 5,883,621).

Referring to claim 93, Elliot, Zeidler and Chan disclose all of the limitations in

claim 85, but fail to teach a digital device for accessing digital data stored on a digital

medium and a device interface, coupled to said digital device, for decoding said digital

data and for transmitting said digital data on said network.

Iwamura discloses that the home media system further comprises a digital device

(**see MD recorder 110, DVD Player 106 or DVCR2 112 in Figure 1**) for accessing

digital data stored on a digital medium (**note that any of the digital devices**

mentioned above acquires digital data from a digital medium, such as a DVD, MD

or storage device accessed by DVCR2) and a device interface, coupled to said digital

device, for decoding said digital data (**note that any of the digital devices mentioned**

above contain circuitry that decodes the data on the digital medium in order for

proper transmission over a 1394 network cable) and for transmitting said digital data

one said network (**note that of the devices contain IEEE 1394 bus interfaces used**

to transmit the digital data content objects over the 1394 network cables). *Further*

note Figure 12, for transferring digital data from a DVD 900 to a DVCR1 903.

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art, to modify the home network system, as taught by Elliot, Zeidler

and Chan, using the DVD player transferring digital data (**over an IEEE 1394 network**)

to a DVCR1, as taught by Iwamura, for the purpose of allowing multiple devices in a

home network to be controlled and displayed using a topology map displayed as part of

a graphical user interface (**see Column 1, Lines 5-8 of Iwamura**).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason P. Salce whose telephone number is (571) 272-

7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/   Jason P Salce
Primary Examiner, Art Unit 2623   Primary Examiner
                                                         Art Unit 2623

August 18, 2008